



1/Election  
4-16-03

PATENT  
Customer No. 22-852  
Attorney Docket No. 05788.0177

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
Lucia MARAZZI et al. ) Group Art Unit: 2872  
Serial No.: 09/915,401 ) Examiner: A. Amari  
Filed: July 27, 2001 )  
For: OPTICAL THRESHOLD AND )  
COMPARISON DEVICES AND )  
METHODS )

Commissioner for Patents and Trademarks  
Washington, DC 20231

Sir:

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**RESPONSE TO RESTRICTION REQUIREMENT**

In an election requirement dated February 11, 2003, the Examiner required election under 35 U.S.C. § 121 between Species I (Fig. 4), Species II (Figs. 7 and 8), and Species III (Fig. 9). Applicants provisionally elect to prosecute Species I (Fig. 4) with traverse. The claims readable on Species I (Fig. 4) are as follows: 1-4, 8-15, 17, and 19-21.

Applicants respectfully traverse the Examiner's contention that "no claims are generic." Applicants submit that at least claims 1, 8-11, 14, 15, 17, 20, and 21 are generic and read on each of Species I (Fig. 4), Species II (Figs. 7 and 8), and Species III (Fig. 9). Upon allowance of any of the generic claims, Applicants respectfully request that all withdrawn claims that are embraced by the allowable generic claim or claims be reintroduced for consideration and allowed pursuant to 37 C.F.R. § 1.141.

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Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: April 11, 2003

By: 

Darren M. Jirgh  
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